

EXHIBIT 5

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THOMAS BURNETT, *et al.*,

Plaintiffs,

v.

AL BARAKA INVESTMENT AND
DEVELOPMENT CORPORATION, *et al.*

Defendants.

Civil Action No. 1:02CV01616
Judge Robertson

DECLARATION OF ABDULAZIZ H. AL FAHAD

I, Abdulaziz H. Al Fahad, declare as follows:

1. This declaration is given at the request of United States counsel for His Royal Highness Prince Sultan bin Abdulaziz Al-Saud, to describe certain matters of fact and law in connection with Prince Sultan's motion to dismiss the complaint in this action. I have been retained by Prince Sultan and am being compensated for my work in this matter.
2. I am a lawyer admitted to practice in the Kingdom of Saudi Arabia. I was born and raised in Saudi Arabia, and received an undergraduate, graduate and legal education in the United States. I received a B.A. degree in economics from Michigan State University in 1979, an M.A. in International Relations from the Johns Hopkins University School of Advanced International Studies in 1980, and a J.D. degree from Yale Law School in 1984. During 1984-1985, I was a Post-Doctoral Fellow at the Harvard's Center for Middle Eastern Studies and a Research Fellow at Harvard Law School.
3. Currently I am the principal of the Law Office of Abdulaziz H. Fahad in Riyadh, in affiliation with the United States law firm Akin, Gump, Strauss Hauer & Feld. I am a member of the Academic Committee, Legal Experts Commission, Council of Ministers (which is charged with translating official government documents); a member of the Advisory Commission of the Supreme Economic Council; and a member of the International Trade Committee of the Council of Saudi Chambers of Commerce and Industry. I have occasionally taught and written on Middle Eastern law, politics and economics. I am also a licensed Arabic to English translator, holding Licence No. 138 issued by the Ministry of Commerce of the Kingdom of Saudi Arabia.

4. I have been asked to describe the official positions of His Royal Highness Prince Sultan bin Abdulaziz Al-Saud. Prince Sultan is the third highest ranking official of the Kingdom of Saudi Arabia. He is one of the sons of the late King Abdulaziz Al-Saud, who founded the present Kingdom. Prince Sultan served as Governor of Riyadh, as Minister of Agriculture, and as Minister of Communication before being named by the late King Faisal bin Abdulaziz Al-Saud in 1962 as Minister of Defense and Aviation and Inspector General of the armed forces. By virtue of his position as Minister of Defense and Aviation, Prince Sultan is also the ex officio Chairman of the Board of Saudi Airlines, which is owned and operated by the government of Saudi Arabia. In 1982, Prince Sultan was named by His Majesty King Fahd bin Abdulaziz Al-Saud, Custodian of the Two Holy Mosques, as Second Deputy President of the Council of Ministers, the governing body of Saudi Arabia. King Fahd is President of the Council of Ministers. His Royal Highness Crown Prince Abdullah bin Abdulaziz Al-Saud is Deputy President of the Council of Ministers.

5. In the performance of his official duties, Prince Sultan has repeatedly met with Presidents of the United States to discuss matters of state, beginning in 1972 when he first met with President Nixon during the crisis then occurring in the Middle East. Most recently he met twice with President Clinton to discuss, among other things, the conflict between Israel and the Palestinians. Prince Sultan has also met repeatedly over the years with American Secretaries of Defense, including most recently visits by Secretary Donald Rumsfeld to Riyadh in October 2001 (prior to the invasion of Afghanistan).

6. Prince Sultan has received many expressions of gratitude and respect by high-ranking American officials, indicating the importance of his position to American foreign policy. For example, in September 1999 John M. Shalikashvili, Chairman of the Joint Chiefs of Staff, wrote to thank Prince Sultan for hosting his recent visit to the region, and observed "Being able to meet and discuss issues of vital interest on such short notice is a reflection of how deep our relationship has become." In November 1999, FBI Director Louis J. Freeh wrote to thank Prince Sultan for "the opportunity to meet with you and discuss this important matter," and added "We appreciate your assistance in the past and look forward to enhancing our working relationship." Secretary of Defense William Cohen wrote in December 2000 following a trip to Riyadh, thanking Prince Sultan for "the opportunity to work closer and resolve issues of mutual benefit to both our countries," and for "the exchange of views we had during the meeting, particularly on the current crisis between the Palestinians and Israel." As a final example, former American Ambassador Wyche Fowler Jr., on his departure from Saudi Arabia in 2001, wrote Prince Sultan to thank him for his "close cooperation," including "your close relationships with successive U.S. Secretaries of Defense," and stated: "Your support for the U.S. military forces in the region has been farsighted and generous, and your wisdom has guided our vision of future cooperation."

7. Among the official positions of Prince Sultan is his capacity as Chairman of the Supreme Council for Islamic Affairs, a position he has held from 1994 to the present. I have been asked to describe the status and function of that Council.

8. The Supreme Council for Islamic Affairs is an arm of the government of Saudi Arabia, which carries out part of the foreign policy of the Kingdom as determined by the Council of Ministers. Saudi Arabia is home to the most holy sites of Islam, and a core policy and

function of the Kingdom since its founding early in the twentieth century has been to foster and preserve Islamic faith and Islamic law within the Kingdom and abroad. The Supreme Council for Islamic Affairs was established by His Majesty King Fahd in High Order No. 296/8, dated 14-4-1415 (corresponding to 20-9-1994). The Supreme Council is a successor to the Supreme Commission for Islamic Call appointed by the late King Faisal in High Order 15437 on 1-8-1392 (9-9-1972), which was entrusted with the task of overseeing Islamic affairs inside and outside the Kingdom, and which was also chaired by Prince Sultan. The Supreme Council has the responsibility for Saudi Arabia's Islamic policy abroad, while another body created by King Fahd, the Supreme Call Council, chaired by the Minister of Islamic Affairs, Endowments, Call and Guidance, is responsible for domestic Islamic affairs.

9. As stated in High Order No. 296/8, the functions of the Supreme Council for Islamic Affairs are as follows:

1. planning and oversight of Saudi Islamic activities abroad in accordance with ways of the people of sunna and jama'a;
2. care for Muslim minorities and attention to their conditions;
3. introduction of Islam;
4. promoting of contacts between the Kingdom and Muslims abroad;
5. promoting the spreading of Islamic culture and the Arabic language abroad.

10. The members of the Supreme Council, also established by High Order 296/8, are the Second Deputy President of the Council of Ministers (Prince Sultan), as Chairman; the Minister of Foreign Affairs; the Minister of Justice; the Minister of Islamic Affairs, Endowments, Call and Guidance; the Minister of Finance and National Economy; the Minister of Education; the Head of General Intelligence (added a year later); and the Secretary General of the Muslim World League.

11. The Supreme Council of Islamic Affairs makes discretionary recommendations which are submitted to the President of the Council of Ministers (His Majesty King Fahd) and, if approved, become acts or policies of the government. Recommendations may include financial support by the government of particular Islamic organizations, but the Supreme Council does not have the function of policing the activities of such organizations abroad, nor as a practical matter could it do so. To the extent that the government oversees activities of Islamic organizations such as the Muslim World League and World Assembly of Muslim Youth, that oversight is exercised through the government officials who head those organizations.

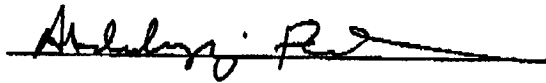
12. I have also been requested to describe the status and function of the Special Committee of the Council of Ministers. The Special Committee was originally established by High Order in 1962, during the civil war in neighboring Yemen, to serve as a foreign policy advisory resource to the King. Today, the Special Committee continues as an organ of the Council of Ministers attached to the Second Deputy President, Prince Sultan. The Council of Ministers establishes the budget of the Special Committee, which is funded entirely from

government funds. As Second Deputy President of the Council of Ministers, Prince Sultan exercises discretionary powers over disbursements by the Special Committee.

13. Disbursements of funds by the Special Committee have included grants to Islamic charitable organizations, which are directed by Prince Sultan in furtherance of the national policy of Saudi Arabia as determined by the Council of Ministers. Although grants by the Special Committee, when announced publicly, are occasionally attributed to Prince Sultan, those grants are paid from government bank accounts with government funds.

14. I have reviewed the originals and the English translations of the declarations to be filed in this case on behalf of representatives of the Muslim World League, the International Islamic Relief Organization, Al Haramain, and the World Assembly of Muslim Youth, and the business records attached thereto. Based on the qualifications set forth in Paragraph 3, I attest that the English translations are true and accurate translations of the original Arabic documents.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.




Abdulaziz H. Al Fahad

Executed on April 6, 2003, in Riyadh, Saudi Arabia

KINGDOM OF SAUDI ARABIA
PROVINCE OF RIYADH
CITY OF RIYADH
CONSUL OF THE UNITED STATES

I certify that on this 6TH day of APRIL, 2003
ABDULAZIZ H. AL FAHAD
appeared before me and, being duly sworn, made the
statements set forth in this instrument.



CHARLES L. GLATZ JR.
CONSUL OF THE
United States Of America